

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ILLINOIS UNION INSURANCE COMPANY
as subrogee of CITY OF LAWRENCE

Plaintiff,

v.

THE VIKING CORPORATION

Defendant.

CIVIL ACTION

NO.04-10475 MLW

JURY TRIAL DEMANDED

DISCOVERY CONFERENCE REPORT

Pursuant to Fed. R. Civ. P. 26(f), counsel for the parties have conferred regarding proposed discovery dates. The parties respectfully submit the following proposed discovery plans.

(1) **Rule 26 Disclosure.** Plaintiff made its initial disclosure, under Rule 26(a)(1) on August 3, 2004. Defendant provided, or offered to provide, all information and documents required by the voluntary disclosures, in its responses to plaintiffs interrogatories and request for the production of documents served on October 1, 2004.

(2) **Interrogatories and First Request for Production of Documents.** Interrogatories and the First Request for the Production of Documents will be served by January 15, 2005 and response and production completed by February 28, 2005.

(3) **Amendment.** The parties agree the Complaint may be amended to add parties until April 15, 2005. The parties agree that if the complaint or answer is substantially amended that the deadlines set forth herein may need to be reconsidered.

(4) **Fact Discovery.** Fact discovery be completed by May 31, 2005, except that Requests for Admissions may be filed up to and including September 1, 2005. Further, the parties believe, at this time, that they will not need to take more than 10 depositions each, exclusive of expert witnesses .

(5) **Experts.** Plaintiff's trial experts will be designated and preliminary disclosure of information contemplated by Fed. R. Civ. P. Rule 26, for the purposes of mediation shall be provided no later than June 15, 2005, and designation and disclosure be made by the defendant no later than July 15, 2005. In the event that this matter is not resolved through mediation, the parties will serve final expert reports consistent with the requirements of Fed. R. Civ. P. Rule 26 by September 15, 2005.

(6) **ADR/Mediation.** ADR/Mediation, either through the court sponsored program or a private mediator, will be completed on or before August 31, 2005.

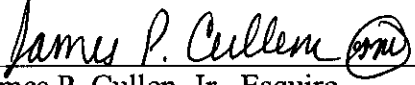
(7) **Expert Depositions.** All expert depositions shall be completed on or before October 15, 2005.

(8) **Dispositive Motions.** All dispositive motions shall be filed by November 1, 2005.

(9) To aid the disclosure of information and the discovery process, the parties will agree to a stipulation concerning a process to preserve the confidentiality of certain information and the parties request that it be endorsed and entered as an order of the court.

Respectfully submitted,

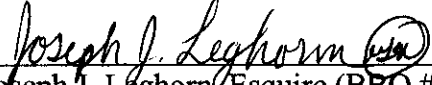
Plaintiff Illinois Union Insurance Company
as subrogee of City of Lawrence,
By Its Attorneys,


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Dated: December 21, 2004

Respectfully submitted,

Defendant Viking Corporation
By Its Attorney,


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Dated: December 21, 2004

CO-COUNSEL:

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2004, a true and correct copy of the foregoing
Discovery Conference Report was served by facsimile and first class mail on the following:

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